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7   UNITED STATES DISTRICT COURT

8   NORTHERN DISTRICT OF CALIFORNIA

9

10   THERASENSE, INC.,   )
)
11   Plaintiff(s),   )   No. C04-2123 MJJ (BZ)
)
12   v.   )
)
13   BECTON, DICKSON AND CO.,   )
)
14   Defendant(s).   )
     _____   )
15   THERASENSE, INC.   )
)
16   Plaintiff(s),   )   No. C04-3732 MJJ (BZ)
)
17   v.   )
)
18   NOVA BIOMEDICAL CORPORATION,)
)
19   Defendant(s).   )
     _____   )
20   BECTON DICKINSON & CO.,   )
)
21   Plaintiff(s),   )   No. C04-3327 MJJ (BZ)
)
22   v.   )
)   **FIFTH DISCOVERY ORDER**
23   THERASENSE, INC.,   )
)
24   Defendant(s).   )
     _____   )
25

26   All discovery in this matter has been referred to United

27   States Magistrate Judge Bernard Zimmerman.
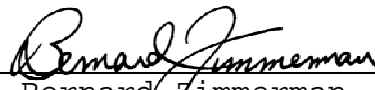
28   In the event a discovery dispute arises, the parties

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1 | shall meet in person or, if counsel are outside the Bay Area,

2 | by telephone and make a good faith effort to resolve their

3 | dispute. Exchanging letters or telephone messages about the

4 | dispute is insufficient. The Court will not read subsequent

5 | positioning letters; parties shall instead make a

6 | contemporaneous record of their meeting using a tape recorder

7 | or a court reporter.

8 | In the event they cannot resolve their dispute, the

9 | parties must participate in a telephone conference with the

10 | Court **before** filing any discovery motions or other papers.

11 | The party seeking discovery shall request a conference in a

12 | letter served on all parties not exceeding two pages (with no

13 | attachments) which briefly explains the nature of the action

14 | and the issues in dispute. Other parties may reply in similar

15 | fashion within two days of receiving the letter requesting the

16 | conference. The Court will contact the parties to schedule

17 | the conference.

18 | After the conference with the Court, if filing papers is

19 | deemed necessary, they should be filed **electronically filed**

20 | with the Clerk's Office, with **one hard copy delivered directly**

21 | **to Magistrate Judge Zimmerman's Chambers (Room 15-6688).** A

22 | chambers copy of all briefs shall be submitted on a diskette

23 | formatted in WordPerfect 6, 8, 9 or 10. The diskette shall be

24 | scanned for virus before submission.

25 | Dated: January 17, 2006

26 | _____

Bernard Zimmerman

27 | United States Magistrate Judge

28 | G:\BZALL\-REFS\THERASENSE\DISCOVERY5.ORD.wpd

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